REMARKS

Claims 1-13 are pending in the present application. In this amendment, Applicants respectfully respond to the Office Action dated June 10, 2005 and traverse all rejections. Applicants also amend claims 1-6.

Claim Rejections – 35 USC § 102

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Vanghi (US Patent No. 6,711,150), hereinafter referred to as Vanghi.

Applicants' claims are novel and patentable over Vanghi. All of Applicants' claims include the feature of "determining a **transmission** energy setpoint." Vanghi, however, does not recite the determining of a **transmission** energy setpoint. Rather, Vanghi states "to perform inner loop power control, the base station measures the energy of the **received** signal from the mobile station and computes the SNR of the **received** signal. The base station compares the computed SNR to the target SNR referred to herein as the power control setpoint." (Please see Vanghi, column 4, lines 44-44). Hence, the **transmission** energy setpoint as in Applicants' claims, which is applied at the **transmitter** is distinct from the power control setpoint applied at the **receiver** as in Vanghi. Because of the above distinction, all of Applicants' claims are novel and patentable over Vanghi.

Examiner states that "base station transmits power control commands to the mobile station that signal the mobile station to either increase or decrease its transmit power level .... based on the comparison, and the mobile station adjusts its transmit power accordingly" as taught by Vanghi is the same as "determining a transmission energy setpoint" as in Applicants' claims. However, the power control of Vanghi adjusts the transmit power of the base station based upon up and down commands sent by the mobile station. The up and down commands are in response to the comparison of the SNR of the received signal to the power control set point at the receiver (please see Vanghi column 4, lines 49-56). Applicants' claims teach that the transmission energy setpoint is determined as a function of the transmission frame error rate and the transmission quality. Also, the retransmission energy setpoint is determined as a function of the retransmission frame error rate and the retransmission quality. Note that this is a setpoint at the transmitter. Vanghi has no setpoint at the transmitter. Instead the setpoint is at the receiver, and

the transmit power is changed in response to up and down commands in order to maintain the setpoint at the receiver.

Because of the above distinctions, Applicants' claims are novel and patentable over Vanghi. In order to expedite prosecution and to highlight the above distinctions, Applicants amend Claim 1 to include the feature "receiving a transmission error rate and a retransmission error rate from the receiver." Similarly Claim 6 is amended to include the feature the "transmission error is received from the receiver" and the "rtransmission error is received from the receiver." This amendment is supported in Applicants' specification as originally filed. Please see, for example, paragraph [1060].

Applicants also amend claims 1-6 to make the formal change from "base station" to "transmitter".

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: November 22, 2005

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